

# **JOURNAL OF THE HOUSE**

## **EIGHTY-NINTH SESSION**

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TWENTY-SECOND DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Wednesday, February 19, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Quentin Beard, followed by the Pledge of Allegiance led by House page Raven Jorgensen.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Brian G. Gosch, Chair

Which motion prevailed.



1 11660a

2 On page 1, line 6, of the printed bill, after "provide" insert "telecommunication and other".

3 On page 1, line 9, remove the overstrikes from "~~telecommunications~~" and insert "and".

4 On page 1, line 14, remove the overstrikes from "~~telecommunication~~" and insert "or".

5 On page 2, line 2, remove the overstrikes from "~~telecommunication~~" and insert "or".

6 On page 2, line 5, remove the overstrikes from "~~telecommunication~~" and insert "or".

7 On page 2, line 8, remove the overstrikes from "~~telecommunication~~" and insert "or".

8 On page 2, line 11, remove the overstrikes from "~~telecommunication~~".

9 On page 2, line 12, delete "communication access".

10 On page 2, line 14, delete "~~telecommunication~~ communication" and insert  
11 "telecommunication".

12 On page 2, delete line 15, and insert "fund for the deaf and the telecommunication fund for  
13 other".

14 On page 2, line 19, delete everything before "fund" and insert " the telecommunication".

15 On page 3, line 14, remove the overstrikes from "~~telecommunication~~".

16 On page 3, delete line 15, and insert "fund for the deaf and ten percent in the  
17 telecommunication".

18 On page 3, line 16, delete "communication access".

19 On page 3, line 22, delete everything before "fund" and insert "party relay service shall be  
20 paid from the telecommunication".

21 On page 3, line 24, delete everything before "fund" and insert "telecommunication".

22 On page 3, after line 24, insert:

23 " Section 7. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as  
24 follows:

25 The Department of Human Services may promulgate rules, pursuant to chapter 1-26, for the  
26 administration of the telecommunications and communication services program. The rules may  
27 include:

28 (1) Eligibility determination, criteria, and application procedures;

1           (2)     The amount and scope of services; and

2 (3) Methods of administration."

3 And that as so amended said bill do pass.

4 Also MR. SPEAKER:

5       The Committee on State Affairs respectfully reports that it has had under consideration  
6   HB 1141 and 1252 which were tabled.

7 Also MR. SPEAKER:

8 The Committee on State Affairs respectfully reports that it has had under consideration  
9 HB 1176 and 1233 which were deferred to the 41<sup>st</sup> Legislative Day.

10 Respectfully submitted,  
11 David Lust, Chair

12 Also MR. SPEAKER:

13 The Committee on Commerce and Energy respectfully reports that it has had under  
14 consideration SB 29 and returns the same with the recommendation that said bill do pass.

15 Also MR. SPEAKER:

16       The Committee on Commerce and Energy respectfully reports that it has had under  
17       consideration SB 78 and 79 and returns the same with the recommendation that said bills do  
18       pass and be placed on the consent calendar.

19 Also MR. SPEAKER:

20 The Committee on Commerce and Energy respectfully reports that it has had under  
21 consideration HB 1255 which was deferred to the 41<sup>st</sup> Legislative Day.

Respectfully submitted,  
Roger D. Solum, Chair

24 Also MR. SPEAKER:

25 The Committee on Judiciary respectfully reports that it has had under consideration  
26 HB 1229 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Judiciary respectfully reports that it has had under consideration  
3 HB 1129 and returns the same with the recommendation that said bill be amended as follows:

4 1129jb

5 On page 1, line 9, of the printed bill, delete "for any injuries".

6 And that as so amended said bill do pass.

7 Also MR. SPEAKER:

8 The Committee on Judiciary respectfully reports that it has had under consideration  
9 HB 1207 and 1238 which were deferred to the 41<sup>st</sup> Legislative Day.

10 Respectfully submitted,  
11 Brian G. Gosch, Chair

12 **MESSAGES FROM THE SENATE**

13 MR. SPEAKER:

14 I have the honor to return herewith HB 1084 which has passed the Senate without change.

15 Also MR. SPEAKER:

16 I have the honor to inform your honorable body that the Senate has failed to concur in  
17 HCR 1016.

18 Also MR. SPEAKER:

19 I have the honor to transmit herewith SB 18, 37, 77, and 124 which have passed the Senate  
20 and your favorable consideration is respectfully requested.

21 Also MR. SPEAKER:

22 I have the honor to transmit herewith SCR 4 which has been adopted by the Senate and  
23 your concurrence is respectfully requested.

24 Respectfully,  
25 Jeannette Schipper, Secretary



1                                   **CONSIDERATION OF REPORTS OF COMMITTEES**

2           Rep. Lust moved that the reports of the Standing Committees on  
3           Transportation on HB 1043 as found on page 425 of the House Journal; also  
4           Local Government on HB 1134 as found on page 426 of the House Journal be adopted.  
5           Which motion prevailed.

6                                   **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

7           SB 18: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract  
8           for the construction of a greenhouse on the campus of Northern State University and to make  
9           an appropriation therefor.

10          Was read the first time and referred to the Committee on Appropriations.

11          SB 37: FOR AN ACT ENTITLED, An Act to revise the state aid to general education  
12          formula.

13          Was read the first time and referred to the Committee on Appropriations.

14          SB 77: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete  
15          provisions regarding county prisoners.

16          Was read the first time and referred to the Committee on Judiciary.

17          SB 124: FOR AN ACT ENTITLED, An Act to revise certain reimbursement provisions  
18          relating to legislators-elect and newly appointed legislators.

19          Was read the first time and referred to the Committee on State Affairs.

20                                   **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

21          Rep. Lust moved that HB 1127 be placed to follow HB 1162 on today's calendar.

22          Which motion prevailed.

HB 1162: FOR AN ACT ENTITLED, An Act to prohibit the practice of sex-selective abortions, to establish certain procedures to better ensure that sex-selective abortions are not practiced in South Dakota, and to provide penalties therefor.

Was read the second time.

1162jb

Rep. Gibson moved that HB 1162 be amended as follows:

On the House Judiciary Committee engrossed bill, delete everything after the enacting clause and insert:

" Section 1. The performance of an abortion based on the sex of the unborn child is against the public policy of South Dakota. The state does not support the practice and discourages any person from seeking an abortion, or performing an abortion based on the sex of the unborn child."

A roll call vote was requested and supported.

The question being on Rep. Gibson's motion that HB 1162 be amended.

And the roll being called:

Yeas 15, Nays 55, Excused 0, Absent 0

Yeas:

Bartling; Feinstein; Gibson; Hajek; Hawks; Hawley; Heinert; Hunhoff (Bernie); Killer; Parsley; Peterson; Schrempp; Soli; Tyler; Wismer

Nays:

Anderson; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Greenfield; Haggar (Don); Haggar (Jenna); Heinemann (Leslie); Hickey; Hoffman; Johns; Kaiser; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Solum; Stalzer; Steele; Stevens; Tulson; Verchio; Werner; Westra; Wick; Wink; Speaker Gosch

So the motion not having received an affirmative vote of a majority of the members present, the Speaker declared the motion lost.



1 The question being "Shall HB 1162 pass as amended?"

2 And the roll being called:

3 Yeas 60, Nays 10, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
6 Duvall; Ecklund; Erickson; Feickert; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;  
7 Heinemann (Leslie); Hickey; Hoffman; Johns; Kaiser; Kirschman; Kopp; Langer; Latterell;  
8 Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten  
9 (Herman); Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer;  
10 Schoenfish; Schrempp; Sly; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner;  
11 Westra; Wick; Wink; Speaker Gosch

12 Nays:

13 Feinstein; Gibson; Hawks; Hawley; Heinert; Hunhoff (Bernie); Killer; Parsley; Soli; Wismer

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 Speaker declared the bill passed and the title was agreed to.

16 HB 1127: FOR AN ACT ENTITLED, An Act to provide an exemption for alimony  
17 payments in debtor filings.

18 Was read the second time.

19 1127jg

20 Rep. Cronin moved that HB 1127 be amended as follows:

21 On page 2, line 6, of the House Judiciary Committee engrossed bill, delete everything after  
22 "debtor" and insert "which is not a gross or lump sum and does not exceed one thousand dollars  
23 per month".

24 On page 2, line 7, delete everything before ".".

25 Which motion prevailed.

26 The question being "Shall HB 1127 pass as amended?"

27 And the roll being called:

28 Yeas 58, Nays 12, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;  
3 Ecklund; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley;  
4 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman;  
5 Kopp; Latterell; Lust; Mickelson; Munsterman; Novstrup (David); Olson (Betty); Parsley;  
6 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Schaefer; Schoenfish; Schrempp; Sly;  
7 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer;  
8 Speaker Gosch

9 Nays:

10 Carson; Erickson; Greenfield; Kaiser; Langer; Magstadt; May; Nelson; Otten (Herman);  
11 Rozum; Russell; Verchio

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1206: FOR AN ACT ENTITLED, An Act to authorize the payment of lease rental  
15 obligations to the South Dakota Building Authority by the Bureau of Finance and Management,  
16 to make an appropriation therefore, and to declare an emergency.

17 Was read the second time.

18 1206nc

19 Rep. Wismer moved that HB 1206 be amended as follows:

20 On page 1, line 5, of the printed bill, delete "fifty-eight million one" and insert "forty-nine  
21 million five hundred twenty-four thousand six hundred eighty-six dollars (\$49,524,686)".

22 On page 1, line 6, delete everything before "to the".

23 On page 2, line 15, delete ";" and insert ".".

24 On page 2, delete lines 16 to 21, inclusive.

25 On page 3, line 2, delete everything after ".".

26 On page 3, delete lines 3 to 5, inclusive.

27 On page 3, line 6, delete everything before "The".

28 Rep. Lust moved the previous question.

29 Which motion prevailed.

1 Rep. Wismer's motion lost.

2 1206ma

3 Rep. Rounds moved that HB 1206 be amended as follows:

4 On page 1, line 5, of the printed bill, delete "fifty-eight million one" and insert "fifty-six  
5 million two hundred fifty-seven thousand two hundred fifty-one dollars (\$56,257,251)".

6 On page 1, line 6, delete everything before "to" .

7 On page 2, line 17, delete "eight million six hundred seven" and insert "six million seven  
8 hundred thirty-two thousand five hundred sixty-five dollars".

9 On page 2, line 18, delete everything before "in" .

10 On page 3, line 10, after "fiscal year" insert "in which this Act was enacted. Thereafter, as  
11 of the end of each fiscal year to and including the fiscal year ending June 30, 2021, the South  
12 Dakota Building Authority shall file an annual report with the Bureau of Finance and  
13 Management specifying any lease rentals, any fees received pursuant to this Act, and any  
14 interest earnings thereon, which the authority has determined are no longer expected to be  
15 required for the purposes set forth in section 2 of this Act. Any such amounts not then expected  
16 to be required shall be deposited into the general fund with thirty days of the filing of the annual  
17 report. Any lease rentals and fees received by the authority pursuant to this Act, or interest  
18 earnings thereon, which are not applied by June 2, 2021, to pay or prepay amounts described in  
19 section 3 of this Act, shall be deposited into the general fund by June 30, 2021".

20 Which motion prevailed.

21 The question being "Shall HB 1206 pass as amended?"

22 And the roll being called:

23 Yeas 69, Nays 1, Excused 0, Absent 0

24 Yeas:

25 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
26 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Hagggar (Don); Hagggar  
27 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
28 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;  
29 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
30 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
31 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Verchio; Werner; Westra; Wick;  
32 Wink; Wismer; Speaker Gosch

1 Nays:  
2 Tyler

3 So the bill having received an affirmative vote of a two-thirds majority of the members-  
4 elect, the Speaker declared the bill passed and the title was agreed to.

5 Rep. Lust moved that HB 1121 and 1204 be deferred to Thursday, February 20, the  
6 23<sup>rd</sup> legislative day.

7 Which motion prevailed.

8 HB 1173: FOR AN ACT ENTITLED, An Act to provide authority to establish special  
9 purpose districts for county roads.

10 Was read the second time.

11 The question being "Shall HB 1173 pass?"

12 And the roll being called:

13 Yeas 26, Nays 44, Excused 0, Absent 0

14 Yeas:  
15 Feickert; Feinstein; Gibson; Greenfield; Hawks; Hawley; Heinert; Hickey; Kaiser; Killer;  
16 Kirschman; Lust; Novstrup (David); Otten (Herman); Parsley; Rasmussen; Ring; Schoenfish;  
17 Schrempp; Sly; Soli; Solum; Tulson; Tyler; Wick; Wismer

18 Nays:  
19 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
20 Duvall; Ecklund; Erickson; Haggar (Don); Haggar (Jenna); Hajek; Heinemann (Leslie);  
21 Hoffman; Hunhoff (Bernie); Johns; Kopp; Langer; Latterell; Magstadt; May; Mickelson;  
22 Munsterman; Nelson; Olson (Betty); Peterson; Qualm; Romkema; Rounds; Rozum; Russell;  
23 Schaefer; Stalzer; Steele; Stevens; Verchio; Werner; Westra; Wink; Speaker Gosch

24 So the bill not having received an affirmative vote of a majority of the members-elect, the  
25 Speaker declared the bill lost.

26 HB 1097: FOR AN ACT ENTITLED, An Act to revise the criteria for classifying property  
27 as agricultural land.

28 Having had its second reading was up for reconsideration and final passage.

1 Rep. Lust moved the previous question.

2 Which motion prevailed.

3 The question being "Shall HB 1097 pass as amended?"

4 And the roll being called:

5 Yeas 37, Nays 33, Excused 0, Absent 0

6 Yeas:

7 Anderson; Campbell; Conzet; Craig; Dryden; Duvall; Ecklund; Haggar (Don); Haggar (Jenna);  
8 Hickey; Hoffman; Johns; Kaiser; Kopp; Langer; Latterell; Lust; Magstadt; May; Munsterman;  
9 Nelson; Olson (Betty); Otten (Herman); Qualm; Rasmussen; Romkema; Rounds; Russell;  
10 Schoenfish; Sly; Stalzer; Steele; Stevens; Verchio; Westra; Wick; Speaker Gosch

11 Nays:

12 Bartling; Bolin; Cammack; Carson; Cronin; Erickson; Feickert; Feinstein; Gibson; Greenfield;  
13 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hunhoff (Bernie); Killer; Kirschman;  
14 Mickelson; Novstrup (David); Parsley; Peterson; Ring; Rozum; Schaefer; Schrempp; Soli;  
15 Solum; Tulson; Tyler; Werner; Wink; Wismer

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 Speaker declared the bill passed and the title was agreed to.

18 Rep. Lust moved that the balance of the calendar including HB 1122, 1171, and 1111 and  
19 SB 12, 64, 55, 27, 31, 32, 63, 14, 89, 93, and 103 be deferred to Thursday, February 20, the  
20 23<sup>rd</sup> legislative day.

21 Which motion prevailed.

22 There being no objection, the House reverted to Order of Business No. 5.

## 23 **REPORTS OF STANDING COMMITTEES**

24 MR. SPEAKER:

25 The Committee on Legislative Procedure respectfully reports that HB 1048, 1053, and  
26 1080 were delivered to his Excellency, the Governor, for his approval at 9:00 a.m.,  
27 February 19, 2014.

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
3 and Enrolling has carefully compared HB 1084 and finds the same correctly enrolled.

4 Respectfully submitted,  
5 Brian G. Gosch, Chair

6 **SIGNING OF BILLS**

7 The Speaker publicly read the title to

8 HB 1084: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
9 list of persons who may be excluded from a licensed gaming establishment and to provide a  
10 penalty for a violation of the exclusion.

11 And signed the same in the presence of the House.

12 Rep. Steele moved that the House do now adjourn, which motion prevailed and at  
13 4:04 p.m. the House adjourned.

14 Arlene Kvislen, Chief Clerk